

To the FCC:

I am an XM Radio subscriber and I must first disclose that since I do not live in any areas offering XM local content, I have no interest in that service whatsoever as it does not affect me. Therefore, my sentiments expressed here contain no bias one way or the other because I would not be affected at all by the FCC's decision either way.

I do have concerns, however, when lobby groups try to strong-arm policy that (to me anyway) makes no sense. When that happens, I start to look at other agendas behind that activity.

The argument made by the NAB makes little or no sense to me. When one claims fiduciary harm in order to limit free commerce by competition, proof of such harm is usually presented or even required. In this case, there only appears to be superficial effects to local broadcasters from satellite radio local content offerings.

Let's look at the Boston market. That is the nearest XM "local content" city and one where I am familiar with the local radio outlets. There are dozens of radio stations in that market all offering some semblance of news, sports, traffic and weather. They all compete with each other, and that competition is quite fierce. The competition that they bring upon each other by itself coerces each local radio outlet to provide some sort of competitive edge. This goes on already, even prior to the local content offerings of XM Radio or Sirius. The local radio outlets collectively share something less than 2-4 million people in the Boston market area in question. That's what exists today, but let's look at what would happen when XM offers a whole variety of news, sports, weather, traffic, and maybe even commentary or talk radio.

The addition of XM and Sirius would present two -- that's right, only two -- additional media offerings in a market with dozens of existing outlets. Since XM and Sirius are new they have no existing local content listeners. They need to offer content to lure listeners (including their own XM and Sirius subscribers) to make the switch from their local radio outlets to their satellite local content channel. The listeners in the Boston market are a pretty loyal group and given what little I have heard on XM's local content offering to-date, I myself wouldn't switch from the local radio for local news simply because the existing local broadcaster that I listen to is too well established with their news teams and helicopters, etc. Satellite offerings would pale in comparison, and it would be a long time before they would threaten the local broadcasting stations, especially given the fact that the entry of XM and Sirius into the local market represents only a minimal increase in the number of outlets offering such content. To me, this is no different than if two new local radio stations started up operations in Boston. Big deal. That happens all the time!

The actions appear to me to be the plain and simple act of trying to thwart legal and free competitive commerce by XM and Sirius for the sole purpose of preventing their own broadcasters from having to remain competitive. This is not a threat to the local broadcasters because the actual effect would be minimal. The harm that could be caused is by the NAB and the FCC to consumers if the ruling is against XM and Sirius. That would retain what appears to be little regional oligopolies of broadcasters who can limit consumer radio programming offerings. How does that benefit consumers??

I strongly urge the FCC to rule against the NAB and support free trade. It's not just for Mexico and Canada anymore. Free trade can also occur at home, so let us all support it in this case and allow XM and Sirius to compete on a level playing field.

Sincerely,

David L. Breck
Epping, NH